

**EXHIBIT 1**  
**JOINT CLAIM CHART**

WAWD No. <sup>1</sup>	Del. No. <sup>2</sup>	Claim Term/Phrase	Asserted Claim(s)	Plaintiff's Proposed Construction	Defendant's Proposed Construction
1	1.	"character"	1-4, 6, 21-23	<u>No construction necessary.</u>	<p>"character, object, or scene"</p> <p><u>Intrinsic evidence:</u> '858 patent at 1:30-35, Figs. 4-10; IPR2016-01069 Paper 8,<sup>3</sup> at p. 8.</p> <p><u>Extrinsic evidence:</u> Zyda Decl.<sup>4</sup> at ¶ 11.</p>
Agreed	2.	"character data"	1, 2	The parties agree that "character" within this limitation is to be interpreted (or not interpreted, and given its plain and ordinary meaning) in the same manner as "character" above.	

<sup>1</sup> A **number** in this column indicates that the term is at issue for construction in the Western District of Washington. The use of "**N/A**" in this column indicates that the term does not need construction because it is either withdrawn or the applicable claim is no longer asserted. The use of "**Agreed**" indicates that the parties have agreed to the interpretation provided in the table.

<sup>2</sup> This number was assigned during briefing in the District of Delaware, and corresponds to numbering used in the briefing.

<sup>3</sup> The citation "IPR2016-01069 Paper 8" refers to the USPTO's Patent Trial and Appeal Board Institution of *Inter Partes* Review Decision concerning the '858 patent, entered Nov. 23, 2016. This document was included as Exhibit B of the parties' Joint Claim Construction Statement that was filed when this action was pending in the District of Delaware (Dkt. #55-3).

<sup>4</sup> The citation "Zyda Decl." refers to the Declaration of Dr. Michael Zyda in Support of Defendant's Answering Claim Construction Brief, dated Feb. 28, 2017 (and evidence cited therein). This document was included as part of the parties' claim construction briefing that was filed when this action was pending in the District of Delaware (Dkt. #65).

WAWD No. <sup>1</sup>	Del. No. <sup>2</sup>	Claim Term/Phrase	Asserted Claim(s)	Plaintiff's Proposed Construction	Defendant's Proposed Construction
Agreed	3.	"character-enabled network site"	1, 21, 23	<p><i>"a network location, other than a user device, operating under control of a site program to present a character, object, or scene to a user interface"</i></p> <p><u>Intrinsic evidence:</u> '858 patent at 2:62–64; 3:38–40, 3:52–56, 4:26–28, 4:53–57, 5:28–32, 6:28–30, 6:26–55, 7:9–11, 9:18–20, Fig. 2; 10:48–49, IPR2016-01069 Paper 8, at pp. 8–11.</p>	
2	4.	"character attribute"	1, 4	<p><u>No construction necessary.</u></p> <p><u>Intrinsic evidence:</u> '858 patent at Fig. 11; 8:12–24; 9:60–10:43; 12:27–51.</p>	<p>"quality or characteristic inherent or ascribed to a character, object, or scene"</p> <p><u>Intrinsic evidence:</u> '858 patent at 7:26–29; IPR2016-01069 Paper 8, at p. 11.</p> <p><u>Extrinsic evidence:</u> Zyda Decl. at ¶¶ 12–13.</p>
N/A	5.	"character-attribute data"	1, 3–4	<p>The parties agree that "character attribute" within this limitation is to be interpreted (or not interpreted, and given its plain and ordinary meaning) in the same manner as "character attribute" above.</p>	

WAWD No. <sup>1</sup>	Del. No. <sup>2</sup>	Claim Term/Phrase	Asserted Claim(s)	Plaintiff's Proposed Construction	Defendant's Proposed Construction
3	6.	"present[ing] ... to a / [the] user interface"	1, 4	<p>"providing to a / [the] user interface"</p> <p><u>Intrinsic evidence:</u> '858 patent at e.g., Abstract; 3:1-2; 3:20-30; 4:41-44; 4:49-52; 4:60-63; 7:18-20; 8:5-8.</p>	<p>"display[ing] and/or generate[ing] sound on a / [the] user device"</p> <p><u>Intrinsic evidence:</u> '858 patent at Abstract, 1:22-25, 1:40-42, 1:54, 3:1-14, 3:20-34, 3:47-50, 3:63 – 4:2, 4:40-46, 4:60-63, 5:11-12, 6:40-48, 7:11-23, 7:43-45, 8:5-11, 8:12-24, 8:33-39, 8:49-58 16:8-11, Figs. 4-10.</p> <p><u>Extrinsic evidence:</u> Zyda Decl. at ¶ 21-24.</p>
Agreed	7.	"tallying"	1	<p><i>"counting or calculating a total"</i></p> <p><u>Intrinsic evidence:</u> '858 patent at 12:39-44, 8:30-31; IPR2016-01069 Paper 8, at pp. 12-13.</p>	
Agreed	8.	"user choices ... made while ... navigating character-enabled network sites"	1	<p><u>No construction necessary.</u> See Dkt. #63, at p. 11.</p>	

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N/A	9.	"navigating a first [second] character-enabled network site"	None		
Agreed	10	"said CE network site"	1		<p><i>"said CE network sites"</i></p> <p><u>Intrinsic evidence:</u> '858 patent at 13:23-29.</p>

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4	11	"real-time" / "real time"	1	<p><u>Not indefinite.</u></p> <p><u>Intrinsic evidence:</u> '858 patent at e.g., 8:2-4; 8:21-24; 8:56-63; 9:41-46; 9:67-10:4; 10:18-19; 13:1-11; 13:23-44; 14:38-62; 15:1-26; Figs. 6, 10.</p> <p><u>Extrinsic Evidence:</u> Merriam-Webster's ("the actual time during which something takes place") Sacerdoti Dec., ¶14; Sacerdoti Reply, ¶6.</p>	<p><u>Indefinite.</u></p> <p><u>Intrinsic evidence:</u> '858 patent at Title, 1:22-27, 2:49-50, 13:3-11, 13:36-42, 14:12-18, 14:50-56, 15:5-11.</p> <p><u>Extrinsic evidence:</u> Zyda Decl. at ¶¶ 16-18.</p> <p><u>Sacerdoti Depo.</u><sup>5</sup> at 106:14-19; 127:22 – 128:14; 129:9-20.</p>
Agreed	12	"linking" / "linked"	1, 4	<p><u>No construction necessary.</u> See Dkt. #63, at p. 11.</p>	

<sup>5</sup> The citation "Sacerdoti Depo." refers to the deposition transcript of Plaintiff's expert, Dr. Earl Sacerdoti, dated Feb. 24, 2017. Relevant excerpts from this document were included as part of the parties' claim construction briefing that was filed when this action was pending in the District of Delaware (Dkt. #64-1).

WAWD No. <sup>1</sup>	Del. No. <sup>2</sup>	Claim Term/Phrase	Asserted Claim(s)	Plaintiff's Proposed Construction	Defendant's Proposed Construction
5	13	"tallying ... by a plurality of users"	1	<p>"counting or calculating a total ... aggregated across a plurality of users"</p> <p><u>Intrinsic evidence:</u> '858 patent at e.g., 2:44-49; 12:34-48; 13:1-5; File History, original claim 1; May 20. 2011 ROA, at p. 2, 10-11</p> <p><u>Extrinsic Evidence:</u> Sacerdoti Dec., ¶15; Sacerdoti Reply, ¶7</p>	<p>"counting or calculating a total number of times the selected character attribute has been selected by a plurality of users"</p> <p><u>Intrinsic evidence:</u> '858 patent at 12:39-44, 8:30-31; 13:12-19; 15:31-35; 16:31-39; IPR2016-01069 Paper 8, at pp. 12-13.</p> <p><u>Extrinsic evidence:</u> <u>Zyda Decl. at ¶¶ 19-20.</u></p> <p><u>Sacerdoti Depo. at 137:11 – 138:3.</u></p>
Agreed	14	"character persona"	4	<p><i>"collection of attributes and actions ascribed to a character"</i></p> <p><u>Intrinsic evidence:</u> '858 patent at 7:23-33, 11:22-27; IPR2016-01069 Paper 8, at p. 12.</p>	

WAWD No. <sup>1</sup>	Del. No. <sup>2</sup>	Claim Term/Phrase	Asserted Claim(s)	Plaintiff's Proposed Construction	Defendant's Proposed Construction
6	15	"character-persona data"	4, 6	<u>No construction necessary.</u>	<p><i>"data indicative of a collection of attributes and actions ascribed to a character"</i></p> <p><u>Intrinsic evidence:</u>  '858 patent at 3:16-18; 3:59-60; 4:32-33; 7:23-33; 10:22-27; 11:22-27;  IPR2016-01069 Paper 8, at p. 12.</p> <p><u>Extrinsic evidence:</u>  Zyda Decl. at ¶¶ 13-14.</p>
N/A	16	"the character-persona data is different from the character data and the character-attribute data"	None		



WAWD No. <sup>1</sup>	Del. No. <sup>2</sup>	Claim Term/Phrase	Asserted Claim(s)	Plaintiff's Proposed Construction	Defendant's Proposed Construction
7	17	<p>“data comprises ... presentations”</p> <p><i>[“character-persona data comprises at least one of audio presentations and visual image presentations”]</i></p>	6	<p><u>Not indefinite.</u></p> <p>“character-persona data comprises at least one of data defining audio presentations and data defining visual image presentations”</p> <p><u>Intrinsic evidence:</u>  ‘858 patent at e.g., Abstract 3-10; Fig 5; Fig 6;  2:61-3:9; 3:10-14; 3:51-4:2; 4:3-9;  4:10-16; 4:16-25; 4:30-34; 4:34-52;  4:49-53; 7:18-33; 7:46-59; 7:60-8:4;  8:5-11; 8:25-39; 8:49-58; 8:59-9:8;  9:41-46; 13:23-44, 13:50-59, 13:63-65.</p> <p><u>Extrinsic Evidence:</u>  Sacerdoti Dec., ¶17; Sacerdoti Reply, ¶8</p>	<p><u>Indefinite.</u></p> <p><u>Intrinsic evidence:</u>  ‘858 patent at 13:23-44, 13:50-59, 13:63-65.</p> <p><u>Extrinsic evidence:</u>  Zyda Decl. at ¶ 29.</p>

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N/A	18	"providing for the creation of on-line characters"	None		
N/A	19	"communications link"	None		
N/A	20	"common CE network site"  [ <i>"presented on a common CE network site"</i> ]	None		

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N/A	21	<p>“the network site through which at least one of the characters was created”</p> <p>[“<i>the common network site is different from the network site through which at least one of the characters was created</i>”]</p>	None		
N/A	22	“user interfaces associated with each respective character”	None		

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N/A	23	"accompanies said user during said navigation"	None		
N/A	24	"said character attributes"	None		
N/A	25	"said portions of said CE network site visited by said user"	None		

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N/A	26	<p>“said users”</p> <p><i>[“data indicative of said character, said character attributes and said portions of said CE network site visited by said user to develop marketing statistics representative of said users”]</i></p>	None		

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8	27	"accessible to said CE network site"	21c	<p><u>Not indefinite.</u></p> <p>"accessible to said plurality of CE network sites"</p> <p><u>Intrinsic evidence:</u> '858 patent at e.g., 15:36 – 16:12; Figs1-2, Fig. 11; 6:26-37; 6:56-7:8; 9:18-37; 9:49-59; 10:44-61-11:8; 11:30-47; 12:20-26.</p> <p><u>Extrinsic Evidence:</u> Sacerdoti Dec., ¶27; Sacerdoti Reply, ¶16-17</p>	<p><u>Indefinite.</u></p> <p><u>Intrinsic evidence:</u> '858 patent at 15:36 – 16:12.</p> <p><u>Extrinsic evidence:</u> Zyda Decl. at ¶¶ 33-34.</p> <p><u>Sacerdoti Depo. at 172:15 – 173:11; 183:1-6.</u></p>

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9	28	“causing said character to be displayed on said CE network site on said device of said user”	21e	<p><u>Not indefinite.</u></p> <p>“causing said character to be displayed by said one of said plurality of CE network sites on said device of said user”</p> <p><u>Intrinsic evidence:</u>  ‘858 patent at 15:36 – 16:12;  Figs1-2, Fig. 11; 2:59-3:10; 3:11-3:14; 3:38-3:40; 3:51-56 4:53-5:8; 6:26-37; 6:56-7:8; 9:18-37; 9:49-59; 10:44-61-11:8; 11:30-47; 12:20-26.  IPR2016-01069 decision, page 9, the last paragraph, page 10 and page 11, the first paragraph.</p> <p><u>Extrinsic Evidence:</u>  Sacerdoti Dec., ¶27; Sacerdoti Reply, ¶16-17</p>	<p><u>Indefinite.</u></p> <p><u>Intrinsic evidence:</u>  ‘858 patent at 15:36 – 16:12.</p> <p><u>Extrinsic evidence:</u>  Zyda Decl. at ¶¶ 33-34.</p> <p><u>Sacerdoti Depo. at 172:15 – 173:11; 183:1-6.</u></p>

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10	29	“automatically retrieved by said CE network site upon entering said CE network site”	23	<p><u>Not indefinite.</u></p> <p>“automatically retrieved by said one of said plurality of CE network sites upon the user entering said one of said plurality of CE network sites”</p> <p><u>Intrinsic evidence:</u> ‘858 patent at 15:36 – 16:12, 16:18-20.</p> <p><u>Extrinsic Evidence:</u> Sacerdoti Dec., ¶28; Sacerdoti Reply, ¶18</p>	<p><u>Indefinite.</u></p> <p><u>Intrinsic evidence:</u> ‘858 patent at 15:36 – 16:12, 16:18-20.</p> <p><u>Extrinsic evidence:</u> <u>Zyda Decl. at ¶ 35.</u></p>
N/A	30	<p>“customizing said CE network site based on a character profile of a user”</p> <p><i>[“customizing said CE network site based on a character profile of a user that requests access to said CE network site”]</i></p>	None		